

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Peno Washington,

Petitioner,

Civil No. 2:14-cv-10532

Honorable Lawrence P. Zatkoff

v.

Joe Barrett ,

Respondent.

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL, AND PETITIONER'S MOTION TO REVIEW
CONSTITUTIONAL ISSUES**

On February 5, 2014, Petitioner Peno Washington, a state inmate, filed his amended petition for a writ of habeas corpus under 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner's motions for appointment of counsel and to consider constitutional issues are pending before the Court. For the reasons set forth below, Petitioner's motions are denied without prejudice.

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), cert. denied, 538 U.S. 984 (2003), reh. denied, 539 U.S. 970 (2003). A habeas petitioner may, however, obtain representation "[w]henver the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). The Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). If, after reviewing the pleadings and state court record, the Court determines that appointing counsel is necessary, counsel will be appointed. Petitioner need not file any further motions regarding this issue.

As for Petitioner's motion to review constitutional issues, Respondent has been ordered to respond to the petition and provide copies of the state court record. When the case is ready for review, the Court will address the claims and defenses as required by law.

Accordingly, IT IS HEREBY ORDERED that Petitioner's Motion for Appointment of Counsel and Motion to Review Constitutional Issues are DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff
United States District Court Judge

Dated: May 21, 2014